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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated this the 18th day of June 1998

Before

THE HON'BLE MR.JUSTICE CHANDRASHEKARAIHAH

W.P.No: 28806-97

Between:

T.K.Dattathri Setty,  
s/o. Venkatahala Setty,  
aged about 70 years, agricul-  
turst & Coffee Planter,  
r/a. Kadur town,  
Chikmagalur Dist.

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....Petitioner;

( By Sri. G.S.Visweswara )

And:

1. M.Santhanam, s/o Mallaiah  
Setty, major, r/a.Doddapete,  
Kadur town, Chikmagalur Dist.

2. The Deputy Commissioner,  
Chikmagalur Dist.  
Chikmagalur.

3. Town Municipal Council,  
Kadur, Chikmagalur Dist. rep.  
by its Chief Officer,  
Office of the Town Municipal  
Council, Kadur, Chikmagalur Dist. ... Respondents;

( Sri.D.C.Jagadish for R1;  
Sri.K.Nagaraja HCGP., R3;)

~~Sri.Srinivaswamy for~~  
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Writ Petition is filed under Arts.226 and 227 of the  
Constitution praying to quash the order 19-8-1997 (Annexure-E).

This petition coming on for preliminary hearing in B  
group this day, the Court made the following:-

WP.28806/97

O R D E R

18-6-1998

The petitioner in this petition has challenged the order of the 2nd respondent Deputy Commissioner under sec. <sup>306</sup>~~327~~ of the Karnataka Municipalities Act. Under Sec.306(1) of the Act, the Deputy Commissioner after passing the order suspending the resolution is required to submit the proceedings to the Director of Municipal Administration to pass a final order under Sec.306(2) of the Act. In this case, the Deputy Commissioner has not submitted the proceedings to the Director of Municipal Administration. Therefore, the order of the Deputy Commissioner suspending the resolution without submitting the papers to the Director of Municipal Administration is bad in law.

2. Accordingly, writ petition is allowed. The impugned order dated 19-8-1997 passed by the Deputy Commissioner (Annexure-E) is quashed. However, it is open ~~for~~ the Deputy Commissioner to reconsider the matter afresh in accordance with law. Further the Deputy Commissioner, if he is of the opinion that the order and the resolution are required to be suspended, it is open ~~for~~ <sup>for</sup> the D.C., to suspend the

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same and submit the proceedings to the Director of  
Municipal Administration to pass a final order under  
Sec. 306<sup>(1)</sup> of the Act.

Sd/-  
JUDGE

Hsf.

